

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CV 6602 (PKL)

CANTONE & CO., INC.,
Plaintiff,
- against -
SEAFRIGO a.k.a. SEAFRIGO
MARSEILLE,
Defendants.

DEFENDANT'S NOTICE OF MOTION:

- (1) TO VACATE PLAINTIFF'S RULE B ATTACHMENT, OR REDUCE THE AMOUNT AND SUBSTITUTE A BANK GUARANTEE; AND/OR
- (2) TO DISMISS THE CASE ON THE BASIS OF A MANDATORY AND EXCLUSIVE FOREIGN FORUM SELECTION AGREEMENT.

The undersigned will move this Court before the Hon. Peter K. Leisure, U.S.D.J. at the Courthouse at 500 Pearl Street, New York, NY for an order:

- A. Pursuant to Rules B and E of the Supplemental Rules for Admiralty and Maritime Claims:
 1. Vacating plaintiff's attachment of defendant's assets on grounds that defendant could have been found in the adjacent District of New Jersey, and upon vacation, dismissing the claims against defendant for lack of personal jurisdiction; or
 2. If the attachment is not vacated, reducing the amount of plaintiff's security and allowing defendant to substitute a French bank guarantee for the attached funds; and/or
- B. If the claims against defendant are not dismissed as requested aforesaid, dismissing plaintiff's claims against defendant on grounds of a mandatory and exclusive French forum selection clause; and
- C. For such other and further relief as to the Court may seem just and proper.

Your answering declarations and memoranda are required to be served and filed in accordance with Local Civil Rules 6.1 and 6.4, and the Court's Individual Rules of Practice, Section III.

Dated:	New York, NY	CICHANOWICZ CALLAN KEANE VENGROW & TEXTOR, LLP
	May 22, 2008	61 Broadway 3000, New York, NY 10006 212-344-7042 Attorneys for Defendant

By: /s/ Stephen H. Vengrow
STEPHEN H. VENGROW [SV-3479]